

Office of the City Manager

July 26, 2012

To: Honorable Mayor and Members of the City Council
The Police Review Commission

From: Christine Daniel, City Manager *CD*

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the use of pepper spray report relating to the use of Oleorisin Capsicum (OC) that occurred July 14, 2012.

Attachment: Use of Pepper Spray Report 12-37851

cc: William Rogers, Deputy City Manager
Michael Meehan, Chief of Police
Mark Numainville, Acting City Clerk
Ann-Marie Hogan, City Auditor
Mary Kay Clunies-Ross, Public Information Officer
Police Review Commissioner



BERKELEY POLICE DEPARTMENT

USE OF PEPPER SPRAY REPORT



(Note – this is a public document)

This report is to be completed by any Department employee who use "Oleoresin Capsicum" OC spray during the performance of his or her duties. The authorization for this report comes from City of Berkeley Council action taken September 16, 1997, directing that any use of "OC" be reported to the City council and the Police Review Commission via the Police Department's Chain of Command as a public record within seven (7) days of its use.

Date: July 14, 2012
Date of Pepper Spray Report

From: Ofc Ledoux #137

Note: This form is to be completed by the Department employee using the spray. If that person is unable to complete this form due to injury, it shall be completed by his or her immediate supervisor.

Case Number(s): 2012-37851

Incident Date: July 14, 2012

Incident Time: 1952 Hours

Incident Location: 2451 San Pablo Ave

Application was: **Effective** **Ineffective**

Subject: **Adult** **Juvenile**

Subject description: M 5'-10" 165
Sex Height Weight

First Aid for Subject: Paramedic responded and administered First Aid Yes No

Additional comments on First Aid rendered:

Nature of Incident:

Officers were dispatched to 2451 San Pablo Ave for a suspect involved in a dispute with the store owners, claiming an impending assault, and that the suspect may be intoxicated.

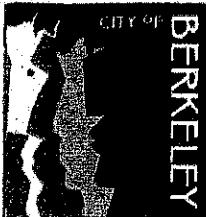
Summary and justification of the Actions of Officer(s) Involved:

I went to detain the suspect and verbally ordered him to stop. I went grabbed the suspect's left arm and put his arm behind him. The suspect pulled away from me breaking my grip of him. Then the suspect clinched his fists, and took a fighting stance. After multiple verbal demands, the suspect refused to comply with my orders. I eventually resorted to a half-second burst of OC to the suspect's face. The suspect wiped off the OC, turned around, and began fleeing from the scene (IFO 2431 San Pablo Ave). I re-encountered the suspect approximately 20 yards north of 2431 San Pablo, and I again sprayed another half-second burst towards the suspect, however it missed the suspect. The foot chase continued to San Pablo and Channing Way (2400 San Pablo Ave). At the NE corner the suspect stopped and faced me. I sprayed a third, and final half-second burst of OC to the suspect's face. The suspect turned away. At this time additional officers arrived. The suspect continued to physically resist arrest, however after a period of time with additional officers help, the suspect was detained in handcuffs. Further investigation revealed the suspect had attempted a robbery of 2451 San Pablo Ave.

BFD was immediately summoned for an OC exposure washdown.

Please print and route through Chain of Command to the Office of the Chief.

Officer PT 6-3 11
Duty Supervisor
Watch Commander
Operations Captain
Chief of Police



Office of the City Manager

August 3, 2012

To: Honorable Mayor and Members of the City Council
The Police Review Commission

From: Christine Daniel, City Manager *CD*

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the use of pepper spray report relating to the use of Oleorisin Capsicum (OC) that occurred on July 7, 2012.

Attachment: Use of Pepper Spray Report 12-36307

cc: William Rogers, Deputy City Manager
Michael Meehan, Chief of Police
Mark Numainville, Acting City Clerk
Ann-Marie Hogan, City Auditor
Mary Kay Clunies-Ross, Public Information Officer
Police Review Commissioner



BERKELEY POLICE DEPARTMENT

USE OF PEPPER SPRAY REPORT



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Date: July 7, 2012

Date of Pepper Spray Report

From: Ofc. Shannon #120

Note: This form is to be completed by the Department employee using the spray. If that person is unable to complete this form due to injury, it shall be completed by his or her immediate supervisor.

Case Number(s): 12-36307

Incident Date: July 7, 2012

Incident Time: 1440

Incident Location: Shattuck Ave. and Bancroft Way

Application was: **Effective** **Ineffective**

Subject: **Adult** **Juvenile**

Subject description: M 5'4 120
Sex Height Weight

First Aid for Subject: Paramedic responded and administered First Aid Yes No

Additional comments on First Aid rendered: The Berkeley Fire Department arrived on scene and treated both CONTRERAS, A. and CONTRERAS, J. for OC exposure and minor abrasions.

Nature of Incident:

Narcotics investigation.

Summary and justification of the Actions of Officer(s) Involved:

I stopped (4) subjects as part of a narcotics investigation. One subject said he had identification in his possession but refused to provide it. He began fighting with BPD officers when I attempted to place him in handcuffs. I gave the subject a verbal warning to stop fighting or I would pepper spray him. He continued physically resisting so I deployed a $\frac{1}{2}$ second burst of OC which was effective, as he immediately stopped fighting. I then assisted BPD officers who were fighting with a second subject from the group. He was physically resisting attempts to secure him in handcuffs and refused to give us one of his hands, which was near his waistband. I deployed a $\frac{1}{2}$ second burst of OC on the second subject which was effective, as he immediately complied.

Please print and route through Chain of Command to the Office of the Chief.

Duty Supervisor

LS Watch Commander

603 Operations Captain

John M. [Signature] Chief of Police